

# EXHIBIT A



**The State of New Hampshire  
Insurance Department**

21 South Fruit Street, Suite 14  
Concord, NH 03301  
(603) 271-2261 Fax (603) 271-1406  
TDD Access: Relay NH 1-800-735-2964

Christopher R. Nicolopoulos  
Commissioner

**NOVEMBER 5, 2020**

**CERTIFIED MAIL**

**7011 2000 0001 8843 3934**

**ATTN: BARBARA DEMOSTHENE  
LLOYD'S AMERICA, INC.  
280 PARK AVENUE, EAST TOWER 25<sup>TH</sup> FLOOR  
NEW YORK, NY 10017**

Dear Sir or Madam:

You are hereby notified of the service upon me as attorney for your Company of a **COMPLAINT FOR BREACH OF CONTRACT**.

**MWH Holdings, LLC v. Certain Underwriters at Lloyd's of London**, principal defendant(s).

This process is brought in the **Hillsborough Superior Court Southern District**, of **Hillsborough County**. You must respond to this **Complaint for Breach of C** in accordance with the requirements of the court. Pursuant to RSA 405:10, legal process served upon the Commissioner shall have the same effect as if served personally on the company. Please see attached a copy of this process.

Very truly yours,

A handwritten signature in cursive script that reads "Christopher R. Nicolopoulos".

Christopher R. Nicolopoulos  
Commissioner

Enclosure

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
SUPERIOR COURT**

Hillsborough Superior Court Southern District  
30 Spring Street  
Nashua NH 03060

RECEIVED  
NH INSURANCE DEPARTMENT  
NOV 05 2020  
Telephone: 203-55-212-1234  
TTY/TDD Relay: (800) 735-2964  
<http://www.courts.state.nh.us>

**SUMMONS IN A CIVIL ACTION**



Case Name: **MWH Holdings, LLC v Certain Underwriters at Lloyd's of London**  
Case Number: **226-2020-CV-00536**

Date Complaint Filed: October 19, 2020

A Complaint has been filed against Certain Underwriters at Lloyd's of London in this Court. A copy of the Complaint is attached.

**The Court ORDERS that ON OR BEFORE:**

December 05, 2020	MWH Holdings, LLC shall have this Summons and the attached Complaint served upon Certain Underwriters at Lloyd's of London by in hand or by leaving a copy at his/her abode, or by such other service as is allowed by law.
December 26, 2020	MWH Holdings, LLC shall electronically file the return(s) of service with this Court. Failure to do so may result in this action being dismissed without further notice.
30 days after Defendant is served	Certain Underwriters at Lloyd's of London must electronically file an Appearance and Answer or other responsive pleading form with this Court. A copy of the Appearance and Answer or other responsive pleading must be sent electronically to the party/parties listed below.

**Notice to Certain Underwriters at Lloyd's of London:** If you do not comply with these requirements you will be considered in default and the Court may issue orders that affect you without your input.

**Send copies to:**

William E. Aivalikles, ESQ	Law Office of William E Aivalikles PA 253 Main St Nashua NH 03069-2720
Certain Underwriters at Lloyd's of London	25 West 53rd Street 14th Floor New York NY 10019

**BY ORDER OF THE COURT**

October 21, 2020  
(126849)

Amy M. Feliciano  
Clerk of Court

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
SUPERIOR COURT**

Hillsborough Superior Court Southern District  
30 Spring Street  
Nashua NH 03060

Telephone: 1-855-212-1234  
TTY/TDD Relay: (800) 735-2964  
<http://www.courts.state.nh.us>

**NOTICE TO DEFENDANT**

Case Name: **MWH Holdings, LLC v Certain Underwriters at Lloyd's of London**  
Case Number: **226-2020-CV-00536**

You have been served with a Complaint which serves as notice that this legal action has been filed against you in the **Hillsborough Superior Court Southern District**. Review the Complaint to see the basis for the Plaintiff's claim.

Each Defendant is required to electronically file an Appearance and Answer 30 days after service. You may register and respond on any private or public computer. For your convenience, there is also a computer available in the courthouse lobby.

If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: [www.courts.state.nh.us](http://www.courts.state.nh.us), select the Electronic Services icon and then select the option for a self-represented party.

1. Complete the registration/log in process. Click Register and follow the prompts.
2. After you register, click Start Now. Select **Hillsborough Superior Court Southern District** as the location.
3. Select "I am filing into an existing case". Enter **226-2020-CV-00536** and click Next.
4. When you find the case, click on the link and follow the instructions on the screen. On the "What would you like to file?" screen, select "File a Response to Civil Complaint". Follow the instructions to complete your filing.
5. Review your Response before submitting it to the court.

**IMPORTANT:** After receiving your response and other filings the court will send notifications and court orders electronically to the email address you provide.

A person who is filing or defending against a Civil Complaint will want to be familiar with the Rules of the Superior Court, which are available on the court's website: [www.courts.state.nh.us](http://www.courts.state.nh.us).

Once you have registered and responded to the summons, you can access documents electronically filed by going to <https://odypa.nhecourt.us/portal> and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.

If you have questions regarding this process, please contact the court at 1-855-212-1234.

**JURY TRIAL REQUESTED**

226-2020-CV-00536

STATE OF NEW HAMPSHIRE  
HILLSBOROUGH COUNTY SUPERIOR COURT - SOUTHERN DISTRICT

MWH Holdings, LLC

v.

Certain Underwriters at Lloyd's of London

**COMPLAINT**

NOW COMES the Plaintiff and sets forth the following Complaint:

**I. PARTIES**

1. The Plaintiff, MWH Holdings, LLC, hereinafter referred to as "MWH" is a New Hampshire Limited Liability Company with a principle place of business located at 253 Main Street, Nashua, NH.
2. The Defendant, Certain Underwriters at Lloyd's of London, hereinafter referred to as "Lloyd's" with a principal place of business at Museum Office Building, 25 West 53rd Street, 14th Floor, NY, 10019.

**II. FACTS**

3. The Plaintiff did purchase an insurance policy insuring 235 Main Street, Nashua NH, hereinafter referred to as "the building" for any casualty losses.
4. Lloyd's did issue an insurance policy #XEQ3461417
5. On July 11, 2019, the building was struck by a motor vehicle that was being operated at a high rate of speed.
6. When the vehicle crashed into the building, it caused significant property damage including severe structural damage.
7. The damage to the building amounted to at least \$129,300.00 which damage amount is increasing due to the deteriorating structural deficiencies caused by the crash.
8. Lloyd's refuses to fully and fairly compensate MWH for the damages that the building sustained as a result of the crash.

### **III. CAUSE OF ACTION**

#### **COUNT I - BREACH OF CONTRACT**

9. MWH incorporates by reference all of the allegations contained in Paragraphs 1 through 8 not inconsistent herein.
10. Lloyd's did breach its contract of insurance with MWH.
11. Lloyd's failed to properly adjust MWH's claim, and failed to make a reasonable offer to settle in light of the extensive documented damages.
12. Lloyd's breached the New Hampshire implied covenant of good faith and fair dealing since it failed to make a reasonable offer to compensate MWH when it determined the property loss was \$27,503.65. Lloyd's has not conducted itself reasonably and contrary its duty to its insured.
13. Lloyd's has engaged in bad faith in the way it handled MWH's claim in light of the significant damages with full knowledge of the documented losses.

#### **COUNT II – NEGLIGENCE**

14. MWH incorporates by reference all the allegations contained in Paragraphs 1 through 13 not inconsistent herein.
15. Lloyd's had a duty to fairly and reasonably adjust MWH's claim.
16. Lloyd's breached its duty that it owed MWH as follows but not limiting the foregoing: not tendering a reasonable offer and fairly adjusting the claim which necessitated this lawsuit; not properly evaluating the claim and totally ignoring the compelling and substantial property damage sustained.
17. That as a direct and proximate result of Lloyd's negligence, MWH sustained significant property damages as set forth herein that exceed the minimum jurisdictional amount of the Superior Court.

### **IV. CONCLUSION**

18. MWH seeks a jury determination of the property damage the building sustained.
19. MWH seeks enhance compensatory damages as a result of Lloyd's bad faith and willful conduct.

Respectfully submitted by,  
MWH Holdings, LLC  
Through its attorney,

Date: October 19, 2020

/s/ William Aivalikles

William Aivalikles, Esq. NHB #308  
253 Main Street  
Nashua, NH 03060  
Phone: 603-880-0303  
Fax: 603-882-0065  
Email: [william@nhtriallaw.com](mailto:william@nhtriallaw.com)

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**Merrimack County Sheriff's Office**

ROBERT P. KRIEGER  
333 Daniel Webster Hwy  
Boscawen, NH 03303  
Phone: 603-796-6600

CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON  
21 SOUTH FRUIT ST  
CONCORD, NH 03301

AFFIDAVIT OF SERVICE

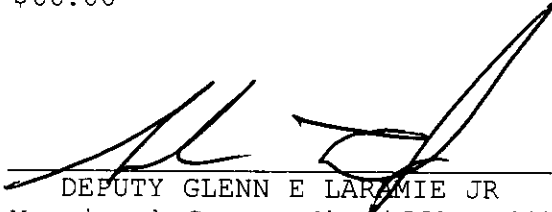
MERRIMACK, SS.

11/ 5 /2020

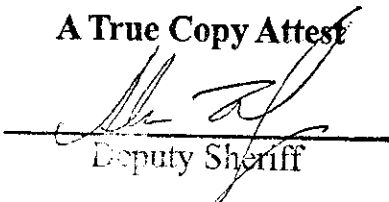
I, DEPUTY GLENN E LARAMIE JR, this day at 12:02 a.m. (p.m.), summoned the within named defendant, CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON, by leaving at the office of Christopher R. Nicolopoulos, Insurance Commissioner for the State of New Hampshire, its true and lawful attorney for the service of process under, and by virtue of, Chapter 405:10 NH RSA as amended, two true and attested copies of this Summons and Complaint and I paid said Commissioner for the State twenty-five (\$25.00) dollars as their fee for accepting service.

FEES

Service	\$25.00
Postage	1.00
Travel	15.00
Pd NH Ins. Commissioner	25.00
TOTAL	<u>\$66.00</u>

  
DEPUTY GLENN E LARAMIE JR  
Merrimack County Sheriff's Office

**A True Copy Attest**

  
Deputy Sheriff